

REMARKS

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Summary

Claims 1-6 are pending, but claims 2 and 4 are withdrawn from consideration. Claims 1 and 5 are the independent claims being examined.

By the foregoing, claims 1, 3, and 5 are amended in a non-limiting manner. No new matter has been added.

Allowable Subject Matter

Claim 3 is indicated to be allowable if rewritten in independent form and including all limitations of the base claim and any intervening claim. The Examiner is thanked for the indication of allowability.

Pursuant thereto, the subject matter of claim 1 is now incorporated in claim 3. No new matter has been added. Accordingly, the Examiner is respectfully requested to pass the claim to allowance.

Claim 5 is also indicated to be allowable if amended to recite a specific limitation of the angle so as to overcome rejection made under 35 U.S.C. § 112. Therein, independent claim 5 and dependent claim 6 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner finds that the subject matter that is claimed was not taught in the application; specifically he finds that the limitation of 10-45 degrees is not taught.

Pursuant to the Examiner's suggestion that a claimed limitation of 30-40 degrees would overcome the subject matter rejection, the claim is so amended. The claim is also amended to correct a possible typographic error. No new matter has been added.

Accordingly, the Examiner is respectfully requested to pass the claim to allowance.

Rejection under 35 U.S.C. §102(b)

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,027,206 to Potter. The rejection is respectfully traversed.

Claim 1 now recites:

... [a] radially outer section . . . having a tip end edge of the radially outer section facing and coming in contact with or very close to the rolling surface of the balls, . . .

Support thereof is found at least in Figs 12-13, on page 30, line 15 to page 31, line 8, and the specification as filed as whole. No new matter has been added.

Therein, with respect to Fig. 12 et al., it is taught that the pocket 8 of the inventive retainer is configured so that the balls 6 come in contact with or are very close to the inner periphery edges of the radially outer sections 22 on the inner peripheral surfaces. As the specification makes clear, this permits rolling element guide to control the positioning in the radial direction of the retainer.

Potter does not teach, disclose, or suggest the claimed limitations.

Firstly, Potter teaches the opposite of the claimed limitation that *"the radially inner section of the inner peripheral surface of the pockets and the rolling surface of the balls gradually*

increases toward the opening of the pockets on the inner side in the radial direction of the retainer.”

Potter teaches that inner surfaces of the retaining fingers are formed cylindrically during a reaming operation of a cylindrical cherry reamer. As Potter explains at col. 2, lines 40 et al., lugs 11 are cylindrically reamed to create a spherical surface 13 at a radially inner end. The spherical surface 13 limits the ball's movement radially inward. See col. 2, lines 45-47.

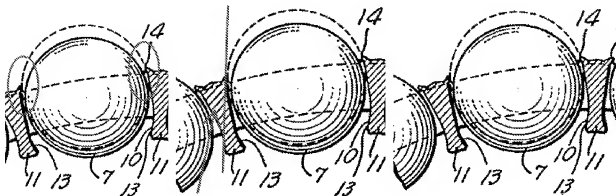
In other words, Potter teaches that the pocket narrows radially inward, which is opposite to claimed limitations. Accordingly, the Examiner is respectfully requested to withdraw the rejection for this reason alone.

Furthermore, Potter teaches that fingers 14 are disposed at opposite sides of each ball pocket and that as shown in Fig. 4 (see below for annotations) are substantially tangential to the ball when it is in a displaced position rather than facing the ball as now claimed.

During the reaming operation, a pocket suitable for the ball is created. The pocket has the circumference of the ball and the fingers located on opposite sides of the pocket will be convex. Col. 1, lines 58-60.

Inner surface 13 comprises a pocket that in an inward direction is able to retain the ball as shown in Fig. 3. Yet, the pocket, according to Potter, must be able to hold the ball when in a displaced position in an outward direction. Not surprisingly, to achieve that Potter employs a tool that engages the radially outward directed finger and bends the fingers into a ball retaining position. This position places the fingers substantially tangential to ball. If the fingers faced the ball, the pocket would be shorter.

Thus, unlike the present invention where a tip end edge of the radially outer section faces and comes in contact with or is very close to the rolling surface of the balls, the fingers of Potter are disposed backwards and are substantially tangent to the ball as is clear from Fig. 4 (annotated and unannotated) and not facing it as claimed.



Thus, the retainer disclosed by Potter does not work in the same manner as the retainer of the presently claimed invention.

Accordingly, the Examiner is respectfully requested to withdraw the rejection for this reason alone.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for examination and ready passage to allowance, which is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for examination or allowance, the

Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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Respectfully submitted,

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Docket No.: KAM 17.895B (100799-00090)